

# Court of Appeals, State of Michigan

## ORDER

People of MI v Frederick James Mardlin

Docket No. 279699

LC No. 07-000240-FH

Alton T. Davis  
Presiding Judge

Patrick M. Meter

Stephen L. Borrello  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED IN PART. The motion is GRANTED limited to a remand for an evidentiary hearing and decision as to whether defendant should be granted a new trial based on newly discovered evidence. The motion is DENIED as to a remand regarding defendant's ineffective assistance of counsel claim for failure to meet the requirements of MCR 7.211(C)(1) for a remand as to that claim.

Within 14 days of the Clerk's certification of this order, defendant-appellant shall file a motion in the trial court to initiate the remand proceedings. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant-appellant may file a supplemental brief pertaining to the issues raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response.

The time for proceeding with the appeal shall begin to run 14 days after the date this order is certified if the motion to initiate the proceedings on remand is not filed in the trial court within that 14-day period.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 10 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk